



**Air Compliance Review and Processing of Emergency Reports**  
**S-004-OAQ-C-AC-08-S-R1**  
**Standard Operating Procedure**

**Office:** Air Quality

**Branch:** Air Compliance

**Section:** Air Compliance Sections I, II, and III, Regional Offices,  
and Compliance Data Section

**Revised:** July 30, 2008 **Revision Cycle:** 2 years

**Effective date:** July 30, 2008

**Scope of operations**

This SOP will direct the receipt, review and processing of Emergency Reports within the Office of Air Quality.

**Scope of applicability**

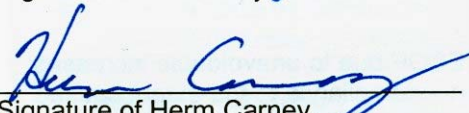
This SOP is applicable to the staff of Air Compliance Sections I, II, and III, the Regional Offices, and the Compliance Data Section.

**Authorized Signatures**

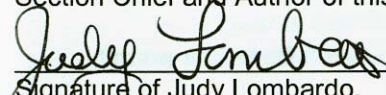
I approve and authorize this Standard Operating Procedure:

  
\_\_\_\_\_  
Signature of Phil Perry, Branch Chief

8/17/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Herm Carney,  
Section Chief and Author of this SOP

8/15/08  
\_\_\_\_\_  
Date

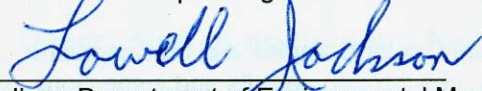
  
\_\_\_\_\_  
Signature of Judy Lombardo,  
Branch QA Coordinator

8-15-08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Anthony Rench,  
Section QA Contact

8-15-08  
\_\_\_\_\_  
Date

This Standard Operating Procedure is consistent with agency requirements.

  
\_\_\_\_\_  
Indiana Department of Environmental Management  
Quality Assurance Program  
Planning and Assessment

8-21-08  
\_\_\_\_\_  
Date

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### 1. Overview work flow chart

Not applicable because this is a stand-alone process.

### 2. Definitions

**“ACES” (Air Compliance and Enforcement System)** – a computer database used by the Office of Air Quality to track the status of compliance activities.

**“CI/CDS”** - Compliance Inspector/Compliance Data Staff.

**“Emergency”** - any situation, including acts of God, arising from sudden and reasonably unforeseeable events beyond the reasonable control of the source, which:

- (A) Requires immediate corrective action to restore normal operation; and
- (B) Causes the source to exceed an emission limit under a Part 70 permit or a FESOP due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, failure to implement an adequate preventative maintenance plan, careless or improper operation, or operator error (per 326 IAC 2-7-1(12)).

**“Emergency Deviation Report”** – A report submitted to OAQ by the source stating that a deviation from their permit terms has occurred in an emergency situation

**“Emergency Acknowledgement Letter”** – a piece of correspondence that notifies the source that their claimed emergency qualifies under the rule and is accepted by IDEM.

**“Emergency Report”** – a form onto which the information and specifics of the emergency incident are recorded.

**“Emergency Report Evaluation”** – a twelve-question checklist that directs the reviewer of an Emergency Report to the proper conclusion concerning emergency criteria applicability.

**“Enforcement Action”**: A manner of addressing a violation that the OAQ and OE document “Compliance Referral Guidance” indicates is serious

**“Office of Air Quality” (OAQ)**: An Agency office located at the Indiana Government Center Complex and on Shadeland Avenue in Indianapolis that monitors the ambient air and regulates air pollution sources through permits and inspections.

**“Office of Enforcement” (OE)**: An Agency office located at the Indiana Government Center Complex that enforces environmental regulations.

**“Regional Office”**: An Agency office other than the Agency’s offices located at the Indiana Government Center Complex and on Shadeland Avenue in Indianapolis.

**“Violation”**: Any failure to comply with terms of a State Permit, State Rule or Statute, or Federal Regulation.

**“Violation Letter” (VL):** A letter notifying a source that a violation has been identified. A VL is used for minor violations as identified in the OAQ & OE document “Compliance Referral Guidance”.

**“Branch Chief (BC)”** - A second-level Agency supervisor responsible for managing Section Chiefs and non-supervisory Agency staff.

**“Branch Quality Assurance (QA) Coordinator”** - Agency Staff within the Branch responsible for the implementation and maintenance of the Branch quality assurance system.

**“Deputy Director”** - An Agency management level position in one of the primary Agency Program Areas.

**“Section Quality Assurance (QA) Contact”** - Agency Staff within the Section responsible for the implementation and maintenance of the Section quality assurance system.

### 3. Roles

Title	# of Staff	Experience	Qualification & Training	Location
Compliance Inspectors/Compliance Data Staff	Approximately 40	3-6 months minimum	NETI training CST109 Basic Inspector course	Air Compliance Branch and Regional Offices
Section Chiefs/Deputy Directors	6	N/A	None	Air Compliance Branch and Regional Offices
Section QA	1	N/A	None	Compliance Branch
Branch QA	1	N/A	None	Compliance Branch
Branch Chief	1	N/A	None	Compliance Branch

#### Responsibilities:

##### Compliance Inspectors/Compliance Data Staff

- Determines if reported event qualifies as an emergency and takes action according to applicable policy.
- Prepares completed packet to submit for approval.
- Logs information into ACES database.

##### Section Chief/Deputy Director

- Reviews and approve inspectors' evaluation and recommended action.
- Insures that SOP remains current.
- Reviews and approves SOP

##### Section QA

- Reviews and approves SOP

##### Branch QA

- Reviews and approves SOP

##### Branch Chief

- Reviews and approves SOP

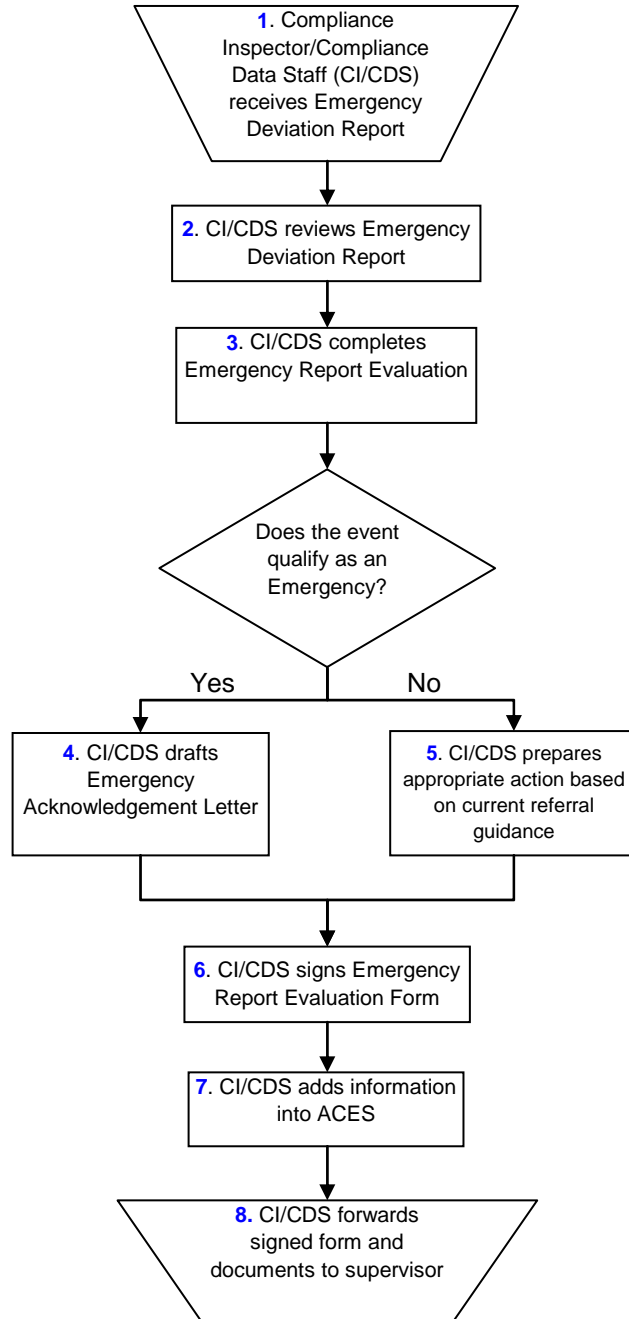
### 4. Description of equipment, forms, and/or software to be used

Equipment, Form or Software	Who Uses It?-	Where to Find it
Emergency Report Evaluation	Inspector	S:\IGCN\OAM\COMMON\Air Compliance\SOP\Emergency Reports or Sharepoint
Emergency Acknowledgement Letter	Inspector	S:\IGCN\OAM\COMMON\Air Compliance\SOP\Emergency Reports or Sharepoint

Emergency Report Review Instructions	Inspector	S:\IGCN\OAM\COMMON\Air Compliance\SOP\Emergency Reports or Sharepoint
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## 5. Procedure

### 5.1 Procedural Flowchart



## **5.2 Procedure**

1. Compliance Inspector/Compliance Data Staff (CI/CDS) receives written, faxed, or emailed Emergency Deviation Report from Title V or FESOP source.
2. CI/CDS reviews the Emergency Deviation Report.
3. CI/CDS completes source and inspector information on the Emergency Report Evaluation (see Appendix C of this SOP). CI/CDS reviews the source's Emergency Deviation Report and answers "yes" or "no" to the questions on the Emergency Report Evaluation. CI/CDS may provide comments in the space below the questions.
4. If all questions are answered "Yes," the event qualifies as an emergency under 326 IAC 2-7-16 or 326 IAC 2-8-12. CI/CDS drafts a letter acknowledging the emergency (see Appendix A of this SOP).
5. If any question is answered "No," the event does not qualify as an emergency under 326 IAC 2-7-16 or 326 IAC 2-8-12. CI/CDS proceeds with the appropriate action based on current referral guidance (e.g. VL, Referral to Enforcement letter, or other appropriate correspondence noting why the event does not qualify for an emergency).
6. CI/CDS signs the Emergency Report Evaluation.
7. CI/CDS adds the information into ACES.
8. CI/CDS forwards the signed form and documents to the Section Chief for signature.

## **6. Standards and checklists**

The Emergency Report Evaluation is a twelve question checklist that directs CI/CDS to the proper conclusion concerning emergency criteria applicability.

## **7. Records Management**

The Emergency Report Evaluation Form, Emergency Acknowledgement Letter, Violation Letter and/or enforcement action documentation that are not considered deliberative are to be sent to the IDEM Virtual Filing Cabinet to be included with the source's compliance files.

## **8. Quality Assurance / Quality Control**

Reviews of the completed Emergency Report Evaluation and other documentation will be analyzed by Section Chiefs or Deputy Director for quality, timeliness, and appropriate action as outlined in the Employee Work Profile/Performance Plan.

## **9. Continuous Improvement Cycle**

The Air Compliance Review and Processing of Emergency Reports procedure will be periodically reviewed and updated as necessary.

## **10. References**

- Office of Air Quality and Office of Enforcement Compliance Referral Guidance
- 326 IAC 2-7-16
- 326 IAC 2-8-12

## **11. History of Revisions**

This SOP supersedes the SOP "Air Compliance Review and Processing of Emergency Reports" (S-004-OAQ-C-AC-07-S-R0), dated July 30, 2007.

## **12. Appendices**

Appendix A: Emergency Occurrence Report Letter  
Appendix B: Emergency Report Review Instructions  
Appendix C: Emergency Report Evaluation

## Appendix A



### INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

VIA CERTIFIED MAIL

Mr. [Name]  
[Title]  
[Company]  
[Address]  
[City, IN Zip]

Re: Emergency Occurrence Report  
[Company]/[City]  
[Permit ID Number]  
[City]/[County]

Dear Mr. [Name]:

The Indiana Department of Environmental Management (IDEM) received your Emergency Occurrence Report dated [date]. This report documents a deviation of permit condition [D.X] in permit [Permit ID Number].

The IDEM concurs that this event qualifies as an emergency as defined in 326 IAC 2-7-1(12) and at this time will not pursue legal action.

If you have any questions concerning this letter, please contact Mr. [Name] at [Phone] or 800/451-6027, and ask for extension [phone] (in Indiana) or write to the above address.

Sincerely,

[Name], Chief  
Air Compliance Section [X]  
Office of Air Quality

[YOUR INITIALS:your initials]  
cc: [Your Name]

## Appendix B

### Emergency Report Review Instructions

1. Complete source and inspector information on the Emergency Report Review.
2. Review the source's emergency report and answer the questions on the Emergency Report Review yes or no. Comments may be provided in the space below the questions.
3. If any question is answered "No," the event does not qualify as an emergency under 326 IAC 2-7-16 or 326 IAC 2-8-12.
4. If all questions are answered "Yes," the event qualifies as an emergency under 326 IAC 2-7-16 or 326 IAC 2-8-12.
5. If the event does not qualify for an emergency, proceed with the appropriate action (e.g. violation letter, referral to enforcement letter, or other appropriate correspondence noting why the event does not qualify for an emergency).
6. If the event qualifies as an emergency, draft an Emergency Acknowledgement Letter.
7. Enter the information into the ACES database.
8. Sign Emergency Report Review and route appropriate signed form and documents to your supervisor for signature.

\* Please note that IDEM may require a preventative maintenance plan required under 326 IAC 2-7-16(f) or 326 IAC 2-8-12(e) be revised in response to an emergency. If this is 2<sup>nd</sup> reported emergency for the same equipment in the last year, the inspector should review the PMP and have the source revise their PMP accordingly.

\*\* For an emergency lasting more than one (1) hour, failure to notify IDEM by telephone or facsimile within 4 daytime business hours and/or submit notice within two (2) working days shall constitute a violation of the 326 IAC 2-7-16 or 326 IAC 2-8-12 and any other applicable rules. E-mail may be substituted for notification via telephone or facsimile. E-mail should be sent directly to the inspector since there is not a current central data system.

## Appendix C

### INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### OFFICE OF AIR QUALITY

#### Emergency Report Review

Source		Date of Review	
Source ID		OAQ Inspector	
Date of Emergency Report			

1. Was this a sudden and reasonably unforeseeable event beyond the control of the source?	Yes		No	
2. Does the situation require immediate correction action to restore normal operations?	Yes		No	
3. Did the event cause the source to exceed an emission limit (see Emission Limitations and Standards in their permit) due to unavoidable increases in emissions attributable to the emergency?	Yes		No	
4. The exceedance of the emission limit was <u>not</u> caused by improperly designed equipment, failure to implement an adequate PMP, careless or improper operation, or operator error?	Yes		No	
5. Did the event meet the definition of an emergency under 326 IAC 2-7-1(12)?	Yes		No	
<p>An "Emergency" means any situation, including acts of God, arising from sudden and reasonably unforeseeable events beyond the reasonable control of the source, which:</p> <p>(A) requires immediate corrective action to restore normal operation; and</p> <p>(B) causes the source to exceed an emission limit under a Part 70 permit due to unavoidable increases in emissions attributable to the emergency.</p> <p>An emergency shall not include noncompliance to the extent caused by improperly designed equipment, failure to implement an adequate preventive maintenance plan, careless or improper operation, or operator error.</p>				
<p><b>If <u>NO</u> to any of the above questions, the event cannot be classified as an emergency, skip to # 12.</b></p> <p><b>If <u>YES</u>, proceed to next questions.</b></p>				



6.	Did the source identify the cause of the emergency?	Yes		No	
7.	Was the permitted facility being properly operated at the time of the emergency?	Yes		No	
8.	Did the source take all reasonable steps to minimize levels of emissions?	Yes		No	
9.	If the emergency lasted one (1) hour or more, did the source notify the agency within four (4) daytime business hours of discovering the emergency?	Yes		No	
10.	If the emergency lasted one (1) hour or more:				
a.	Did the source submit a written notice within two (2) working days of the emergency?	Yes		No	
b.	Did the source describe the emergency?	Yes		No	
c.	Did the source identify any steps to mitigate emissions?	Yes		No	
d.	Did the source identify corrective actions?	Yes		No	
11.	Did the source take all reasonable steps to correct the emergency?	Yes		No	
<b>12. Conclusion: This event qualifies as an emergency: Yes_____ No_____</b>					
<p><b>Note: If any of questions 1-11 were answered no, this event cannot be classified as an emergency. If the answer to #12 is yes, the emergency may constitute an affirmative defense to an action brought for non-compliance with a technology-based limit. The source may continue to operate the affected emitting facilities during the emergency provided the source immediately take all reasonable steps to correct the emergency and minimize emissions.</b></p>					
Additional Comments:					

Signature of Reviewer	
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